

Message Text

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ORIGIN EB-07

INFO OCT-01 AF-06 ARA-06 EA-06 EUR-12 NEA-09 ISO-00 FEA-01

AGR-05 CEA-01 CIAE-00 COME-00 DODE-00 FRB-03 H-01

INR-07 INT-05 L-02 LAB-04 NSAE-00 NSC-05 PA-01 AID-05

CIEP-01 SS-15 STR-01 TAR-01 TRSE-00 USIA-06 PRS-01

SP-02 OMB-01 IO-10 /125 R

DRAFTED BY EB/OT/GCP:DTMORRISON:JM

APPROVED BY EB:JLKATZ

EB/ORF/TRP:TO'DONNELL

EB/ITP:CWSCHMIDT

ARA/ECP:WEKNEPPER

STR:LGRAEF

USDA:RHARPER

----- 045197

R 252058Z PEB 75

FM SECSTATE WASHDC

TO ALL DIPLOMATIC AND CONSULAR POSTS

AMCONSUL PORT MORESBY

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INFORM CONSULS

E.O. 11652: N/A

TAGS: ETRD

SUBJECT: CARTEL CRITERIA OF TRADE ACT GSP PROVISIONS

REFS: (A) STATE 282967 (B) STATE 282968 (C) STATE 8935

(NOTAL)

1. BECAUSE OF INQUIRIES RECEIVED FROM POSTS AND BECAUSE
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OF EXPRESSED CONGRESSIONAL INTEREST IN HOW CARTEL CRITERIA PROVISIONS OF SECTION 502(B)2 OF TRADE ACT MIGHT APPLY TO COMMODITY ARRANGEMENTS OTHER THAN OPEC, FOLLOWING GUIDANCE HAS BEEN PREPARED FOR POSTS TO USE IN RESPONDING TO ANY INQUIRIES RECEIVED.

2. REVIEW OF THE WORKINGS OF EXISTING COMMODITY ARRANGEMENTS (OTHER THAN OPEC) HAS BROUGHT US TO THE CONCLUSION THAT THE SECTION 502(B)2 PROVISIONS AS CURRENTLY INTERPRETE WOULD NOT HAVE THE EFFECT OF EXCLUDING ANY MEMBER OF THESE ARRANGEMENTS FROM GSP BENEFICIARY STATUS. NEVERTHELESS, THE ADMINISTRATION TAKES THE LEGISLATIVE REQUIREMENTS SERIOUSLY AND THUS CANNOT EXCLUDE POSSIBILITY THAT FUTURE ACTIONS OF COMMODITY ARRANGEMENTS COULD CALL INTO QUESTION GSP BENEFICIARY STATUS OF MEMBERS OF SUCH ARRANGEMENTS. AS REQUIRED BY THE TRADE ACT, SUCH ACTIONS WILL BE KEPT UNDER CONTINUING REVIEW IN LIGHT OF SECTION 502(B)2 PROVISIONS.

3. IN RESPONSE TO INQUIRIES CONCERNING OUR CURRENT INTERPRETATION OF SECTION 502(B)2, AND WHERE OTHERWISE APPROPRIATE, POSTS MAY DRAW UPON ABOVE GUIDANCE IN DISCOURAGING HOST COUNTRY ATTRACTION TO COMMODITY SCHEMES THAT DO NOT TAKE INTO ACCOUNT INTERESTS OF CONSUMERS AS WELL AS PRODUCERS. KISSINGER

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*** Current Handling Restrictions *** n/a

*** Current Classification *** LIMITED OFFICIAL USE

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